

### **REMARKS**

Claims 1-11 and 13-21 remain pending in the present application. Claims 1, 2, 6-9, 14, 15 and 20 have been amended. Basis for the amendments can be found throughout the specification, claims and drawings as originally filed.

### **SPECIFICATION**

The amendment filed 1/27/05 is objected to under 35 U.S.C. § 132(a) because it introduces new matter into the disclosure. Applicants believe the amendment filed August 16, 2005 overcame this objection. Withdrawal of the objection is respectfully requested.

### **CLAIMS OBJECTIONS**

Claims 1-11 and 13-21 are objected to because of informalities. Applicants believe the amendment filed August 16, 2005 overcame this objection. Withdrawal of the objection is respectfully requested.

### **REJECTION UNDER 35 U.S.C. § 112**

Claims 8 and 11 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Advisory Action indicates that the August 16, 2005 amendment overcame this rejection.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 1-11 and 13-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Groves, et al. (U.S. Pat. No. 6,464,048) in view of Nezu, et al. (U.S. Pat. No. 5,586,627). Applicants respectfully traverse this rejection.

Claim 1 has been amended to include a reserve tube which defines a reserve chamber. A single valve assembly defines a first flow path which includes a first variable orifice for controlling flow from the upper working chamber to the reserve chamber and a second flow path which includes a second variable orifice for controlling flow from the lower working chamber to the reserve chamber. The first flow path is defined as the only flow path between the upper working chamber and the reserve chamber.

Groves, et al. (USP 6,464,048) discloses a shock absorber having two fluid flow paths between the upper working chamber and the reserve chamber. Figure 7 illustrates, in solid lined arrows, a first flow path from upper working chamber 24 through passage 130, through intermediate chamber 50, through valve assembly 22 to reserve chamber 36 (column 6, line 44+). A second flow path is illustrated with dashed line arrows in Figure 8. Check valve 244 opens to allow flow from reserve chamber 36 through passage 230, into chamber 228, through passage 242, check valve 244 into chamber 236 through passage 232, bore 238, passage 130 and into upper working chamber 24 (column 7, lines 20-25).

Nezu, et al. does not include a flow path having a first variable orifice for controlling flow from the upper working chamber to the reserve chamber. The valves in Nezu, et al. control flow between the upper and lower working chambers, not the

working chamber and the reserve chamber. In fact, there is no flow path from the upper working chamber to the reserve chamber in Nezu, et al. Therefore, Groves, et al., taken alone or taken in conjunction with Nezu, et al., fails to disclose, teach or suggest the single valve assembly defining the only flow path between the upper working chamber and the reserve chamber as is now defined in amended Claim 1.

Thus, Applicants believe Claim 1, as amended, patentably distinguishes over the art of record. Likewise, Claims 2-11 and 13-21, which ultimately depend from Claim 1, are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

#### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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By:

  
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